

ASSEMBLY BILL

No. 1419

Introduced by Assembly Member Hancock

February 21, 2003

An act to amend Section 60640, 60642, and 60642.5 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1419, as introduced, Hancock. Pupils: assessment.

Existing law, the Standardized Testing and Reporting Program, requires that each school district, charter school, and county office of education administer to each of its pupils in grades 2 to 11, inclusive, a designated achievement test and a standards-based achievement test. Existing law authorizes a school district to allow a pupil of limited English proficiency to take a second achievement test in his or her primary language, and requires the State Board of Education to designate a single primary language test in each language for which a test is available.

This bill would exclude pupils in grade 2 from this testing requirement and make conforming changes. The bill would require the State Board of Education, to develop and adopt, by February 1, 2007, an achievement test in the most common primary language of pupils enrolled in the public schools in the 2001–02 school year other than English, and would upon adoption of the test authorize pupils with that primary language to take the test in that language in lieu of taking the test in English.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 60640 of the Education Code is amended to read:

60640. (a) There is hereby established the Standardized Testing and Reporting Program, to be known as the STAR Program.

(b) Commencing in the 1997–98 fiscal year and each fiscal year thereafter, and from the funds available for that purpose, each school district, charter school, and county office of education shall administer to each of its pupils in grades 2 3 to 11, inclusive, the achievement test designated by the State Board of Education pursuant to Section 60642 and the standards-based achievement test provided for in Section 60642.5. The State Board of Education shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year, except as necessary to ensure test security and to meet the final filing date.

(c) The publisher and the school district shall provide two makeup days for the testing of previously absent pupils within the testing period established by the State Board of Education in subdivision (b).

(d) The governing board of the school district may administer achievement tests in kindergarten and grade 1 or 12, or both, as it deems appropriate.

(e) Pursuant to paragraph (17) of subsection (a) of Section 1412 of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and those individuals with exceptional needs who are unable to participate in the testing, even with accommodations, will be given an alternate assessment.

(f) (1) At the school district's option, pupils of limited English proficiency who are enrolled in any of grades 2 3 to 11, inclusive, may take a second achievement test in their primary language. Primary language tests administered pursuant to this subdivision and subdivision (g) shall be subject to the requirements of subdivision (a) of Section 60641. These primary language tests shall produce individual pupil scores that are valid and reliable. Notwithstanding any other provision of law, the State Board of

Education shall designate for use, as part of this program, a single primary language test in each language for which a test is available for grades 2 3 to 11, inclusive, no later than November 14, 1998, pursuant to the process used for designation of the assessment chosen in the 1997–98 fiscal year, as specified in Sections 60642 and 60643, as applicable.

(2) (A) *The State Board of Education shall, by February 1, 2007, develop and adopt an achievement test in the most common primary language of pupils enrolled in the public schools in the 2001–02 school year other than English. These primary language tests shall produce individual pupil scores that are valid and reliable.*

(B) *Notwithstanding paragraph (1), upon adoption of the test pursuant to subparagraph (A), pupils in grades 3 to 11 whose primary language is the language of that test may take the achievement test in their primary language in lieu of taking the test in English.*

(C) *Primary language tests administered pursuant to this paragraph shall be subject to Section 60641, and shall produce individual pupil scores that are valid and reliable.*

(g) Pupils of limited English proficiency who are enrolled in any of grades 2 3 to 11, inclusive, shall be required to take a test in their primary language if a test is available, if fewer than 12 months have elapsed after their initial enrollment in any public school in the state.

(h) (1) The Superintendent of Public Instruction shall apportion funds to school districts to enable school districts to meet the requirements of subdivisions (b), (f), and (g).

(2) The State Board of Education shall annually establish the amount of funding to be apportioned to school districts for each test administered and shall annually establish the amount that each publisher shall be paid for each test administered under the agreements required pursuant to Section 60643. The amounts to be paid to the publishers shall be determined by considering the cost estimates submitted by each publisher each September and the amount included in the Budget Act and by making allowance for the estimated costs to school districts for compliance with the requirements of subdivisions (b), (f), and (g).

(3) An adjustment to the amount of funding to be apportioned per test may not be valid without the approval of the Director of

1 Finance. A request for approval of an adjustment to the amount of
2 funding to be apportioned per test shall be submitted in writing to
3 the Director of Finance and the chairpersons of the fiscal
4 committees of both houses of the Legislature with accompanying
5 material justifying the proposed adjustment. The Director of
6 Finance is authorized to approve only those adjustments related to
7 activities required by statute. The Director of Finance shall
8 approve or disapprove the amount within 30 days of receipt of the
9 request and shall notify the chairpersons of the fiscal committees
10 of both houses of the Legislature of the decision.

11 (i) For the purposes of making the computations required by
12 Section 8 of Article XVI of the California Constitution, the
13 appropriation for the apportionments made pursuant to paragraph
14 (1) of subdivision (h), and the payments made to the publishers
15 under the contracts required pursuant to Section 60643 or
16 subparagraph (C) of paragraph (1) of subdivision (a) of Section
17 60605 between the State Department of Education and the
18 contractor, shall be deemed to be “General Fund revenues
19 appropriated for school districts,” as defined in subdivision (c) of
20 Section 41202 of the Education Code, for the applicable fiscal
21 year, and included within the “total allocations to school districts
22 and community college districts from General Fund proceeds of
23 taxes appropriated pursuant to Article XIII B,” as defined in
24 subdivision (e) of Section 41202 of the Education Code, for that
25 fiscal year.

26 (j) As a condition to receiving an apportionment pursuant to
27 subdivision (h), a school district shall report to the superintendent
28 all of the following:

29 (1) The number of pupils enrolled in the school district in
30 grades 2 3 to 11, inclusive.

31 (2) The number of pupils to whom an achievement test was
32 administered in grades 2 3 to 11, inclusive, in the school district.

33 (3) The number of pupils in paragraph (1) who were exempted
34 from the test at the request of their parents or guardians.

35 SEC. 2. Section 60642 of the Education Code is amended to
36 read:

37 60642. (a) The Superintendent of Public Instruction and the
38 State Board of Education may consider any evaluations of
39 independent experts who have not been employed by a test
40 publisher in the preceding 12 months regarding the suitability of



1 the achievement tests submitted by publishers as required by
2 subdivision (b) of Section 60605 for use as part of the STAR
3 Program established by this article.

4 (b) Based upon a review of the achievement tests submitted and
5 the recommendation made by the Superintendent of Public
6 Instruction pursuant to subdivision (b) of Section 60605, the State
7 Board of Education, in its sole discretion, based on the
8 considerations set forth in Section 60644, shall designate for use
9 as part of the STAR Program a single test in grades 2 3 to 11,
10 inclusive.

11 (c) The State Board of Education shall ensure that the
12 achievement test designated pursuant to subdivision (b) contains
13 the subject areas specified in subdivision (c) of Section 60603 for
14 grades 2 3 to 8, inclusive, and the core curriculum areas of English
15 and language arts, mathematics, and science for grades 9 to 11,
16 inclusive.

17 (d) The State Board of Education is hereby authorized to
18 designate the achievement test to be administered pursuant to this
19 article for more than one academic year subject to the availability
20 of funds.

21 (e) The board shall minimize, to the extent it deems feasible,
22 the amount of testing time required by the assessment in
23 subdivision (b) for those content areas for which there also exists
24 a standards-based examination as provided for pursuant to Section
25 60642.5.

26 SEC. 3. Section 60642.5 of the Education Code is amended
27 to read:

28 60642.5. (a) The Superintendent of Public Instruction, with
29 approval of the State Board of Education, shall provide for the
30 development of an assessment instrument, to be called the
31 California Standards Tests, that measures the degree to which
32 pupils are achieving the academically rigorous content standards
33 and performance standards, to the extent standards have been
34 adopted by the State Board of Education. This standards-based
35 achievement test shall contain the subject areas specified in
36 subdivision (c) of Section 60603 for grades 2 3 to 8, inclusive, and
37 shall include an assessment in history/social science in at least one
38 elementary or middle school grade level selected by the State
39 Board of Education and science in at least one elementary or
40 middle school grade level selected by the State Board of

1 Education, and the core curriculum areas specified in subdivision
2 (e) of Section 60603 for grades 9 to 11, inclusive, except that
3 history-social science shall not be included in the grade 9
4 assessment unless the State Board of Education adopts academic
5 content standards for a grade 9 history-social science course, and
6 shall include, at a minimum, a direct writing assessment once in
7 elementary school and once in middle or junior high school and
8 other items of applied academic skill if deemed valid and reliable
9 and if resources are made available for their use.

10 (b) In approving a contract for the development or
11 administration of the California Standards Tests, the State Board
12 of Education shall consider each of the following criteria:

13 (1) The ability of the contractor to produce valid, reliable
14 individual pupil scores.

15 (2) The ability of the contractor to report results pursuant to
16 subdivision (a) of Section 60643 by August 8.

17 (3) The ability of the contractor to ensure alignment between
18 the standards-based achievement test and the academically
19 rigorous content and performance standards as those standards are
20 adopted by the State Board of Education. This criterion shall
21 include the ability of the contractor to implement a process to
22 establish and maintain alignment between the test items and the
23 standards.

24 (4) The per pupil cost estimates of developing, and, if
25 appropriate, administering the proposed assessment with a system
26 to facilitate the determination of future per pupil cost
27 determinations.

28 (5) The contractor's procedures to ensuring the security and
29 integrity of test questions and materials.

30 (6) The contractor's experience in successfully conducting
31 testing programs adopted and administered by other states. For
32 experience to be considered, the number of grades and pupils
33 tested shall be provided.

34 (c) The standards-based achievement tests may use items from
35 other tests including items from the achievement test designated
36 pursuant to Section 60642.

